

Application No.: 10/702,611

### REMARKS

Claims 1-19 remain in this case.

The claims have been rejected as obvious over *Illustro* or *Downing* in view of *Duty* or obvious over *Hardec* in view of *Mason*. Applicants note with appreciation the indication that claims 8-11 are allowable if placed in independent form and the allowance of claims 16 and 17.

Applicant has placed claim 8 in independent form so that claims 8 and 9 are allowable. New claim 18 is amended claim 8 with, for this claim, an unnecessary limitation ("a top comprising a compressible covering;") removed. Therefore claim 18 is also allowable.

**Independent device claim 1** specifies that the top comprises a compressible covering. The art fails to disclose or suggest the claimed combination of an exercise device including a bottom, a top with a compressible covering, and a spring element between the top and bottom, whereby the distance from the top to the bottom varies with the amount of force placed on the device. There would have been no reason to modify *Illustro* or *Downing* to add the compressible covering of *Duty* to arrive at the presently claimed invention because neither *Illustro* nor *Downing* has a need for a top with a compressible covering. That is, there is nothing in *Illustro* or *Downing* indicating that it would have been useful or desirable to add a compressible covering to their structures to provide comfort to a user while exercising. This is particularly true because *Duty* relates to hand grips for doing push-ups, not a spring-type bouncing exercise device as an *Illustro* and *Downing*. Accordingly, claim 1 is allowable over the cited art.

**Independent method claim 13** is directed to a method for doing a push-up. None of the prior art references comes close to disclosing or suggesting this exercising method in which the device pushes upwardly on the user's chest to reduce the force required to do the push-up. Specifically, claim 13 recites "positioning the user's chest above and in contact with the device so that the device exerts an upward force on the user's chest; ...." The art fails to disclose or suggest positioning the user's chest so the device exerts an upward force on the user's chest and thus decreasing the force required to do the push-up. In contrast, conventional exercise devices typically increase the force required to do the exercise, such as illustrated in figure 8 of the *Duty* patent in which a resistance means 44 is used to increase the force required to do the push-up. There is no recognition of such a push-up aiding method in the cited art. Accordingly, claim 13 is allowable over the cited art.

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**Independent method claim 14** is directed to a method for doing a chosen one of a push-up, pull-up and dip. It recites in part:

"placing the spring force element under the body of a user at a chosen location so that the spring force element may exert a spring force on the body;  
adding additional force elements to the spring element thereby;  
increasing the spring force on the body; and  
decreasing the force required to be exerted by the user during an exercise; ...."

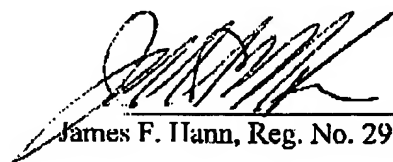
While some of the prior art devices may place a spring force device under the body, there is nothing in the art suggesting adding force elements to the spring element thus increasing the spring force and decreasing the amount of force needed to be exerted by the user. The only suggestion to do so is found in applicants' application. Accordingly, method claim 14 is also allowable.

The **dependent claims** are directed to specific novel subfeatures of the invention and are allowable for that reason as well as by depending from novel parent claims. For example **claim 19** recites that the compressible covering is contoured to fit the shape of a portion of the human body with **claim 15** being more specific, reciting that the compressible covering is contoured to fit the shape of the human chest; support for these claims can be found at page 6, lines 6-7. The art lacks any teaching or suggestion regarding this aspect of the invention.

In light of the above remarks and the amendments to the claims, applicant submits that the application is in condition for allowance and action to that end is urged. If the Examiner believes a telephone conference would aid the prosecution of this case in any way, please call the undersigned at (650) 712-0340.

Respectfully submitted,

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